

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Darrell Williams,) C/A NO. 2:10-2707-CMC-BHH
)
Plaintiff,) **OPINION and ORDER**
)
v.)
)
Anthony J. Padula and Geraldine Miro,)
)
Defendants.)
_____)

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pre-trial proceedings and a Report and Recommendation ("Report"). On September 1, 2011, the Magistrate Judge issued a Report recommending that Plaintiff's motion for summary judgment and for a hearing be denied, that Defendants' motion for summary judgment be granted, and this matter be dismissed with prejudice. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed objections to the Report on September 23, 2011. On October 3, 2011, Plaintiff also filed a "Motion to Accept Additional Evidence and Testimony." The court construes this motion as additional material in support of Plaintiff's objections. Therefore, this motion should be **terminated** on the docket of this matter.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After conducting a *de novo* review as to objections made, and considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the Report and its conclusions. Therefore, the court adopts and incorporates the Report by reference in this Order.

Plaintiff's objections reiterate his assertions presented in his complaint, amended complaint, and motion for summary judgment, all of which were rejected in the Report. Despite his protestations to the contrary, the Report's legal and factual analyses are sound.

Plaintiff's motion to Accept Additional Evidence and Testimony, ECF No. 47 (filed Oct. 3, 2011) is **terminated**. Plaintiff's motion for summary judgment and for a hearing (ECF No. 33) is **denied**. Defendants' motion for summary judgment (ECF No. 28) is **granted** and this matter is dismissed with prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON McGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
October 21, 2011